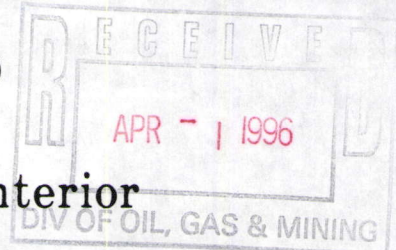




United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Moab District

Price River/San Rafael Resource Area
125 South 600 West
P.O. Box 7004
Price, Utah 84501



3809
(UTU-69856)
(UT-067)

MAR 29 1996

CERTIFIED MAIL--RETURN RECEIPT REQUESTED
Certificate No. Z 382 123 791

Mr. Tom Clark
P.O. Box 658
St. George, Utah 84770

NOTICE OF DECISION

A field examination conducted on March 21, 1996, of your underground mining operation on the Daddy Dearest mining claim group found that a short access road parallel to the portal access road had been built and a large white tank had been installed above the portal. Neither of these disturbances are contained in your notice of operations as amended. In addition, the portal was located at the end of the access road facing north instead of along the access road facing east as per your amended notice. It has been determined that none of these changes are included in your notice as amended which is on file at the San Rafael Area Office.

You are not conducting your operations in accordance with your notice and have therefore been found to be operating in noncompliance for failure to submit an amendment to your notice prior to making the changes pursuant to 43 Code of Federal Regulations 3809.1-3.

You shall submit an amended notice, including a map, within 10 days from the receipt of this Notice of Noncompliance. The amendment shall address all changes, including any change of operators or contractors. Failure to comply with this Notice of Noncompliance shall result in you being required to submit a plan of operations and submit a reclamation bond.

You have the right to appeal to the Utah State Director, Bureau of Land Management in accordance with 43 Code of Federal Regulations 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decisions, must be filed in writing within 30 days from the date of this decision. This decision will remain in effect during the appeal unless a written request for a stay is granted.

PENELOPE J. DUNN

Area Manager
San Rafael Resource Area

cc: Bryant Anderson
Emery County Planning and Zoning
P.O. Box 297
Castle Dale, Utah 84513

Kiran Bhayani

Utah Department of Environmental Health
Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870

Tony Gallegos
Division of Oil, Gas, and Mining
355 West North Temple
3 Triad Center
Salt Lake City, Utah 84180-1203

NSimmons:ks:3/25/96

tclark.ltr